

3. Defendant John Gordon has not yet been served and thus his consent for removal is not required.

III. VENUE IS PROPER

1. Venue is proper in the United States District Court for the Western District of Texas, El Paso Division, under 28 U.S.C. §§ 124(d)(3) and 1441(a) because this district and division embrace the place in which the removed action has been pending.

IV. BASIS FOR REMOVAL JURISDICTION

2. Removal of this action is proper under 28 U.S.C. § 1441 because it is a civil action brought in a state court and the federal courts have original jurisdiction over the subject matter pursuant to 28 U.S.C. § 1332. Specifically, removal is proper because there is now, and was at the time this action was filed, complete diversity of citizenship between Plaintiff, Arch, and John Gordon, and the amount in controversy exceeds \$75,000 excluding interest and costs.

3. Plaintiff was at the time this lawsuit was filed, and at the date of this Notice remains, organized under the laws of the State of Texas with its principal place of business in El Paso County, Texas. Thus, Plaintiff is a citizen of the State of Texas.

4. Arch was at the time this lawsuit was filed, and at the date of this Notice remains, a foreign corporation organized under the laws of the State of Missouri, with its principal place of business in New Jersey. Thus, Arch is a citizen of the States of Missouri and New Jersey.

5. John Gordon was at the time this lawsuit was filed, and at the date of this Notice remains, an individual residing in the State of Colorado. Thus, John Gordon is a citizen of the State of Colorado.

6. Accordingly, there is now, and was at the time this action was filed, complete diversity of citizenship between Plaintiff and Defendants, Arch and John Gordon.

V. AMOUNT IN CONTROVERSY

7. If it is facially apparent that Plaintiff's claims exceed the jurisdictional amount, Arch's burden is satisfied.¹

8. In its Original Petition, Plaintiff "seeks monetary relief over \$200,000 but not more than \$1,000,000."²

9. Thus, it is facially apparent that Plaintiff's claims exceed the jurisdictional minimum of \$75,000.01.

10. Because there is complete diversity among the parties and the amount in controversy requirement is satisfied, this Court has jurisdiction pursuant to 28 U.S.C. § 1332(a). Removal is therefore proper.

VI. COMPLIANCE WITH 28 U.S.C. § 1446

11. Pursuant to 28 U.S.C. § 1446(d), a true and correct copy of this Notice will be promptly filed with the clerk of County Court at Law No. 6 of El Paso County, Texas.

12. All pleadings, orders, and other filings in the state court action are attached to this notice as required by 28 U.S.C. § 1446(a).³

VII. CONCLUSION

13. Therefore, Arch hereby provides notice that this action is duly removed.

¹ *Allen v. R & H Oil & Gas Co.*, 63 F.3d 1326, 1335 (5th Cir. 1999).

² *See* Plaintiff's Original Petition and Request for Disclosure, *Rule 47 Statement*, attached as Exhibit A-2.

³ *See* attached Exhibit A.

Respectfully submitted,

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**ATTORNEY FOR DEFENDANT
ARCH SPECIALTY INSURANCE COMPANY**

CERTIFICATE OF SERVICE

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